

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ANGELA MALCICH,

Plaintiff,

v.

ST. LOUIS COUNTY, et al.

Defendants.

Cause No. 4:20-CV-01030

**JUDGMENT APPROVING WRONGFUL DEATH SETTLEMENT**

NOW ON THIS 7th day of September, 2022 the above-captioned matter comes before the Court on the Motion of Plaintiff Angela Malcich, pursuant to Mo. Rev. Stat. § 537.095, for approval of Wrongful Death Settlement against Defendants St. Louis County, Connie Heitman, Janet Duwe and Robert Adams. Plaintiff Angela Malcich appears in person and by counsel of record, J.C. Pleban. Defendant St. Louis County appears by counsel of record Portia Britt. Defendants Connie Heitman, Janet Duwe and Robert Adams appear by counsel of record Josh C. Breithaupt. Defendant Lt. Troy Doyle appears by counsel of record Eric Banks.

**WHEREUPON**, having considered the Motion and the documents submitted by the parties, and having heard the testimony in support thereof and otherwise being duly advised of the premises, the Court finds as follows:

1. Plaintiff is the natural mother of Daniel Stout (*“Decedent”*) and therefore entitled to sue for and recover damages as permitted by Mo. Rev. Stat. § 537.080. The Decedent’s father is deceased. Additionally, the Decedent left no surviving spouse or children. Likewise, Decedent had no children, either natural or adopted, and therefore he also

left no surviving lineal descendants of any deceased children, natural or adopted. As such, Plaintiff is the only party entitled to sue for and recover damages in this matter. Mo. Rev. Stat. § 537.080. Likewise, the Court finds no other party need be joined or notified of this wrongful death settlement. Mo. Rev. Stat. § 537.095.

2. Previous to the filing of this Motion for Approval, Plaintiff filed her Complaint on June 11, 2020, in the Circuit Court of St. Louis County, Missouri, in the case styled *Angela Malcich v. St. Louis County, et al.*, Cause No. 20SL-CC03340. The case was removed to this Court on August 6, 2020. Plaintiff filed her First Amended Complaint on December 11, 2020, and her Second Amended Complaint on June 15, 2022. Plaintiff alleged Counts of Violation of Civil Rights Pursuant to Title 42 U.S.C. § 1983 (Deprivation of Rights Under the Eighth and Fourteenth Amendments for Deprivation of Medical Care), Violation of Civil Rights Pursuant to Title 42 U.S.C. § 1983 (Deprivation of Rights Through an Alleged Municipal Custom and/or Failure to Instruct, Train, Supervise and/or Discipline), Civil Conspiracy, Negligence Per Se in Violation of Mo. Rev. Stat. § 221.120 (Medicine and medical attention for prisoners), Wrongful Death and Violation of the Missouri Sunshine Law against the Defendants.
3. Plaintiff has entered into agreements with Defendants St. Louis County, Connie Heitman, Janet Duwe, and Roberts Adams, compromising and settling any and all claims and causes of action as to all Defendants subject to Court approval as permitted and required by Mo. Rev. Stat. § 537.095.
4. The total amount of the proposed settlement of all claims against all Defendants is \$1,200,000.00, with Defendant St. Louis County paying the total amount of

\$650,000.00, and Defendants Connie Heitman, Janet Duwe, and Robert Adams together paying the total amount of \$550,000.00.

5. Plaintiff proposed allocating the net proceeds of the proposed settlement entirely to herself as she is the only member of the class described in Mo. Rev. Stat. § 537.080.1.
6. A copy of the Releases between Plaintiff and Defendant St. Louis County, and Plaintiff and Connie Heitman, Janet Duwe and Robert Adams, including the terms thereof and associated financial distribution (Doc 192) have been reviewed by the Court and the Court expressly approves thereof.
7. The Court finds that Plaintiff's Motion for Approval is made in good faith, is fair, reasonable, and should be granted.
8. The Court finds that the proposed settlement agreements as to Defendants St. Louis County, Connie Heitman, Janet Duwe, and Robert Adams are fair and reasonable and the Court approves the aforesaid terms and conditions of the settlement. The total amount of the settlement and distribution thereof is approved as set forth in Plaintiff's Motion.
9. As the only representative of the class of individuals set forth herein, Plaintiff Angela Malcich has retained the services of Pleban & Associates and has entered into a contract for attorney's fees in this matter. The Court has reviewed the fees and expenses associated with said representation and finds that the designated apportionment is fair and reasonable; and is expressly approved by the Court.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** as follows:

10. Plaintiff's Motion to Approve Wrongful Death Settlement (Doc 191) is *granted*.

11. The Court approves the proposed settlement in the amount of \$1,200,000.00, with Defendant St. Louis County responsible for payment to Plaintiff in the amount of \$650,000.00, and Defendants Connie Heitman, Janet Duwe, and Robert Adams, collectively responsible for payment to Plaintiff in the amount of \$550,000.00.
12. All parties are to bear their own court costs, attorneys fees, and expenses.
13. Defendants St. Louis County and Defendants Connie Heitman, Janet Duwe, and Robert Adams shall make, or cause to be made, the payments as set forth above.
14. Plaintiff is ordered to deduct and pay attorneys' fees and costs from the proceeds of the settlement. Attorneys' fees and expenses in the total of \$569,233.86, as set forth in Doc. 191, are to be paid by Plaintiff to Pleban & Associates, LLC out of the total settlement sum.
15. Plaintiff is directed to retain the net proceeds of the settlement as Plaintiff is the only member of the class of persons described in Mo. Rev. Stat. § 537.080.1, and therefore the only person entitled to the proceeds of the settlement.
16. That upon payment and receipt of the settlement proceeds, Plaintiff's case shall be dismissed with prejudice, with each party to bear its own costs and attorneys' fees, and Plaintiff shall file a Receipt and Satisfaction of Judgment along with her dismissal with prejudice.
17. Defendants are directed to present settlement drafts to Plaintiff's counsel on or before September 28, 2022.
18. No later than October 14, 2022, the parties must complete all distributions, dismissals, court filings, or other required procedures set forth above or addressed at the September 7, 2022, hearing.

19. It is further Ordered that the trial setting and all current deadlines are vacated as moot.

So Ordered this 7th day of September, 2022.

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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE